BEFORE THE ARIZONA CORPORATION COMMISSION

ORIGINAL

CARL J. KUNASEK
Chairman

JAMES M. IRVIN
Commissioner

WILLIAM A. MUNDELL
Commissioner

IN THE MATTER OF U S WEST COMMUNICATIONS, INC.'S COMPLIANCE WITH § 271 OF THE TELECOMMUNICATIONS ACT OF 1996	)	Docket No. T-00000A-97-0238
	)	AT&T AND TCG'S SUPPLEMENTAL COMMENTS ON PROPOSED MASTER PLAN

AT&T Communications of the Mountain States, Inc. and TCG Phoenix (collectively "AT&T") submit the following supplemental comments on the Proposed Master Test Plan prepared by the Staff of the Arizona Corporation Commission's ("Commission") consultant, Doherty & Company, Inc. ("DCI").

I. The Unbundled Network Element Platform, the Enhanced Extended Link, and Dark Fiber Should Be Added to the List of Services That Will be Tested.

The unbundled network platform ("UNE-P"), the enhanced extended link ("EEL") and dark fiber should be added to the list of services that will be tested. These competitively important network elements and network element combinations are not presently included in the proposed Master Test Plan ("MTP") on the list of services and facilities to be tested. Instead, the indication from the Staff consultants, DCI, at the workshops on September 30 and October 1, was that a new Section 2.2.3 Additional Tests was added to the Master Test Plan, in part, to provide the capability to add these services should an event occur that indicates a need for those test scenarios. Presumably,

these services were not included in the MTP because of a belief that U S WEST's obligation to provide these specific network elements and combinations is unclear.[1]

The FCC's recent press release made it crystal clear that U S WEST Communications, Inc. ("U S WEST" or "USWC") is obligated to provide these services.[2] The FCC defined the EEL as "a combination of an unbundled loop, multiplexing/concentrating equipment, and dedicated transport."[3] The FCC later explicitly stated U S WEST's obligation to provide the EEL when it stated that, "[p]ursuant to section 51.315(b) of the Commission's rules, incumbent LECs are required to provide access to combinations of loop, multiplexing/concentrating equipment and dedicated transport [the EEL] if they are currently combined."[4] A significant number of these already existing combinations are presently being obtained from U S WEST by competitive local exchange carriers ("CLECs") under U S WEST access tariffs in the form of special access circuits.

To adequately test U S WEST's ability to provide EELs, AT&T recommends that EEL test scenarios be added to the Functionality Test of the MTP. Specifically, AT&T proposes the following test scenarios be added to the MTP:

- Migrate Existing DS0 Special Access Circuit being provided to a CLEC to an EEL.
- Migrate Existing DS1 Special Access Circuit being provided to a CLEC to an EEL.
- Migrate Existing DS0 Special Access Circuit being provided to a USWC Retail Business Customer to an EEL.

[1] The proposed MTP does contemplate testing "Retail to UNE-C Conversion--U S WEST customer converts to CLEC" (Section 3.4); however, UNE-C is not defined in the MTP.
[2] FCC News Release, FCC Promotes Local Telecommunications Competition, *Adopts Rules on Unbundling of Network Elements*, released September 15, 1999. ("FCC News Release") For ease of reference, a copy of that release is attached to these comments as Exhibit A.
[3] *Id.*, at 3.
[4] *Id.*, at 5.

- Migrate Existing DS1 Special Access Circuit being provided to a USWC Retail Business Customer to an EEL.
- Migrate Existing DS0 Private Line Circuit being provided to a USWC Retail Business Customer to an EEL.
- Migrate Existing DS1 Private Line Circuit being provided to a USWC Retail Business Customer to an EEL.
- Disconnect DS0 EEL.
- Disconnect DS1 EEL.

The FCC also made it crystal clear that U S WEST is obligated to provide dark fiber for both unbundled loop and transport applications.[5] The FCC specifically stated that, "[i]ncumbent local exchange carriers (LECs) must offer unbundled access to loops, including high-capacity lines, xDSL-capable loops, *dark fiber*, and inside wire owned by the incumbent LEC."[6] It also stated that, "[i]ncumbent LECs must unbundle dedicated interoffice transmission facilities, or transport, including *dark fiber*."[7] AT&T recommends that test scenarios in the Functionality Test include considerations for dark fiber loops and dark fiber transport. Specifically, AT&T proposes the following test scenarios:

- CLEC obtains dark fiber for unbundled loop application.
- CLEC obtains dark fiber for unbundled interoffice transport application.
- U S WEST disconnects dark fiber being used for unbundled loop application.
- U S WEST disconnects dark fiber being used for unbundled interoffice transport application.

[5] *Id*, at 3.
[6] *Id* (emphasis added).
[7] *Id.*

U S WEST will undoubtedly argue that the FCC's press release is not a legal document. However, the FCC order associated with the FCC News Release is expected shortly, and most likely will be released before the Staff issues its final report on October 29, 1999. Although the FCC's order will further define an incumbent LEC's obligations with respect to the EEL and dark fiber, it is unlikely that the FCC will take a contrary position in its order and conclude that U S WEST is not obligated to provide both the EEL and dark fiber. There is no reason to delay the addition of the EEL and dark fiber to the list of services and facilities to be tested.

U S WEST may argue that the fact that it has not provided either the EEL or dark fiber to CLECs is an indication that CLECs do not need or want these network elements. The fact is, the reason U S WEST has not provided these network elements is not due to a lack of CLEC demand, but only because U S WEST has heretofore refused to provide them as network elements. As indicated earlier, CLECs are purchasing the equivalent of the EEL out of U S WEST's access tariff.

It is also clear that U S WEST has an obligation to provide already existing combinations of network elements. The Supreme Court affirmed the FCC's requirement contained in 47 C.F.R. § 51.315(b) that incumbent LEC's must provide combinations of already existing network elements.[8] On remand of the Supreme Court's decision, the FCC reevaluated and identified what network elements U S WEST must provide to CLECs.[9] Although the FCC deferred ruling on network elements that are not already combined in the incumbent LEC's network, there is no question that U S WEST must provide combinations of network elements that are already combined.

[8] *AT&T v. Iowa Utils Bd.*, 119 S.Ct. 721, 737(1999).
[9] FCC News Release, at 1.

Given the Supreme Court and FCC decisions, there is no reason to delay adding UNE-P test scenarios for residential customers and for business customers with less than four lines to the list of services and facilities to be tested. AT&T recommends that the following test scenarios be added to the Functionality Test:

- Migration "as is" of USWC POTS small business customer (less than 4 lines) to CLEC UNE-P.
- Migration "as is" of USWC POTS residential customer to CLEC UNE-P.
- Migration "as specified" of USWC POTS small business customer (less than 4 lines) to CLEC UNE-P.
- Migration "as specified" of USWC POTS residential customer to CLEC UNE-P.
- Add features to CLEC UNE-P small business customer (less than 4 lines).
- Add features to CLEC UNE-P residential customer.
- Migration of CLEC UNE-P small business customer (less than 4 lines) to CLEC unbundled loop customer with number portability.
- Migration of CLEC UNE-P residential customer to CLEC unbundled loop customer with number portability.
- CLEC UNE-P small business (less than 4 lines) customer moves back to USWC.
- CLEC UNE-P residential customer moves back to USWC.
- CLEC UNE-P small business customer (less than 4 lines) cannot receive or originate calls.
- CLEC UNE-P residential customer cannot receive or originate calls.
- CLEC requests trouble history on UNE-P small business customer (less than 4 lines).
- CLEC requests trouble history on UNE-P residential customer.

- CLEC performs MLT on UNE-P small business customer (less than 4 lines).
- CLEC performs MLT on UNE-P residential customer.

The FCC has deferred deciding the issue of network element combinations not already combined in the network until the Eighth Circuit Court of Appeals makes its ruling. Once the Eighth Circuit Court of Appeals and the FCC have ruled on this issue, AT&T recommends that test scenarios be added per Section 2.2.3 to address these decisions.

During the September 30 – October 1 workshop, U S WEST expressed concern that the subsequent addition of test scenarios to the test could delay the completion of the overall test. With respect to the EEL, dark fiber and the UNE-P, that is a possibility. However, rather than taking the risk that completion of the test will be delayed by subsequently adding these test scenarios, the EEL, dark fiber and the UNE-P should be added to the Master Test Plan now to reduce that possibility. The debates are over. U S WEST must provide the EEL, dark fiber and the UNE-P to CLECs. A failure to include these network elements and network element combinations in the MTP now may cause the delay U S WEST seeks to avoid. To reduce the possibility of unnecessary delay, these network elements and network element combinations should be added to the MTP.

II. The "Friendly Customers" Should be Managed by the Third-Party Consultant.

The proposed Master Test plan recognizes that the management of the "friendlies" is an important aspect of the test.[10] However, it does not appear to AT&T that a party has been assigned the role of management of the friendly customers. AT&T

recommends that the third-party consultant be assigned this role. While all of the parties will play a role in providing friendly customers, AT&T believes that the third-party consultant will be in the best position to provide overall management and coordination of the friendly customers during the test. To that end, AT&T recommends that the following role be added to the roles and responsibilities of the third-party consultant in section 9.3 of the MTP:

- Provide overall management and coordination of the friendly customers.

III. The Capacity Test should include LSRs with Errors.

The Capacity Test that is presently in the MTP is designed to include only "clean (error free) LSR's."[11] A capacity test that includes only clean LSRs will not be representative of a CLEC's commercial experience. The reality is that CLECs will send LSRs to U S WEST that will be rejected. AT&T believes that rejected LSRs will reduce the effective capacity of U S WEST's systems because rejected LSRs will require manual handling on the part of U S WEST's Interconnect Service Centers. Even if some rejected LSRs do not require manual handling to reject them back to the CLEC, the fact that a CLEC may have to resubmit the corrected LSR could result in a reduction of the output of LSRs processed by U S WEST's systems.

AT&T proposes that a representative mix of clean LSRs and LSRs with errors be used in the Capacity Test. A representative mix of clean LSRs and LSRs with errors will provide better information on how a "life-like" mix of clean LSRs and LSRs with errors can be processed by U S WEST. Additionally, at the September 30 workshop, Lynn Notarianni of U S WEST stated that she had no reason to believe that rejected LSRs

[10] MTP, at 23.

would be processed any faster or slower than clean LSRs. Although AT&T does not agree with Ms. Notarianni's conclusion, if she is right, than adding LSRs with errors to the Capacity Test should have no impact on the Capacity Test. Therefore, the downside risk of including LSRs with error in the Capacity Test, by U S WEST's reckoning, should be negligible. However, if AT&T is right and the addition of LSRs with errors reduces the end-to-end capacity of U S WEST's systems, then the addition of LSRs with errors will provide the Commission with valuable information on how U S WEST's capacity fairs in a life-like situation. In that case, the upside benefit of including LSRs with errors would be significant.

To ensure that the Capacity Test replicates typical commercial usage, AT&T proposes that Sections 6.3 and 6.5 of the MTP be revised as follows:

> **6.3 Capacity Test Coverage and Scenarios**
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> Capacity Test coverage and associated scenarios will include a representative mix of the pre-order queries and order transactions tested in the Functionality Test.
>
> For the pre-ordering capacity test, the workload will consist of an equal number of the query types listed below:
>
> - Address Validation
> - Customer Service Record (CSR)
> - Service and Feature Availability
> - Appointment Scheduling[12]
> - Facility Availability

[11] MTP, at 34.

For the ordering capacity test, a representative mix of clean LSRs and LSRs with errors will be used. The test will validate the capacity of the systems to process typical commercial LSRs and not the functionality across extensive local service request types. Test conditions that provide for mechanized error and rejections will be included.

Special conditions, such as future dates on LSRs, may be placed on the test transactions so that production processing is not adversely affected. The special conditions will also provide an alternative method for identifying test orders for data extraction and test clean-up activities.

Test scenarios will be further defined once the Third-Party Consultant and the Pseudo-CLEC are selected.

Section 6.5 Capacity Test Data

The Capacity Test should be run with a representative mix of clean (error-free) LSRs and LSRs with errors to ensure that the focus is on the transaction volumes achieved during typical commercial usage and not functionality. The input 'seed' data will consist of a representative mix of data that has passed through the pre-order and order portions of the Functionality Test without error and data that has been rejected during the pre-order and order portions of the Functionality Test, and will then be 'replicated' as necessary by CLEC simulators and the Pseudo-CLEC to provide adequate volumes.

IV. Participants in the Test Advisory Group ("TAG") Should Be Clearly Permitted to Participate in the TAG Agenda Setting Process and to Interact With the Arizona Corporation Commission ("ACC").

AT&T is in agreement with the language in new Section 2.2.2 of the MTP that the TAG will attempt to resolve issues through consensus. Additionally, it should be clear that the participatory nature of the TAG also extends to agenda setting, the identification of issues to be discussed and interaction with the ACC. No one party should be permitted to set the TAG agenda, control the introduction of issues into the TAG consensus process or control the flow of information to the ACC. To further develop the collaborative nature of the TAG, AT&T proposes the following additions to Section 2.2.2 of the MTP:

[12] If technically feasible.

2.2.2. Test Advisory Group

A Test Advisory Group (TAG), consisting of the ACC, its consultant, the Third-Party Consultant, the Pseudo-CLEC, U S WEST and those CLECs and other participants who wish to participate will be established. Its purpose will be to act as a communications mechanism to advise all parties of test results, exceptions, and corrective action and to provide CLEC feedback on the testing.

The TAG will generally conduct weekly discussions, in person or by Teleconference. Any TAG participant can add items to the TAG agenda or introduce issues for discussion. As critical events occur, discussions will be in person meetings. Minutes will be kept of all such meetings or Teleconferences. The TAG will attempt to resolve issues by consensus, escalating those it is unable to resolve to the ACC for decisions. Any TAG participant may have discussions with the ACC regarding TAG related issues. Minutes of any TAG participant's discussions of TAG related issues with the ACC shall be kept and shall be made available to all parties.

V. The Provisioning Function Should Be Clearly Defined to Include the Actual Installation of the Ordered Facility or Service.

The MTP, in some parts, does not include the installation of the service or facility as a part of the provisioning process. Given that one of the goals of the Functionality Test is to include "end-to-end processing so that all functionality between pre-ordering and billing can be evaluated,"[13] the actual installation of the service should be clearly included as part of provisioning. To reflect that the actual installation of the service is defined as part of provisioning, AT&T proposes the following changes to Sections 4.1, 4.2.1 and 4.3.2:

4.1 Functionality Test Purpose

The purpose of the Functionality Test (FT) is to provide information that the ACC can use to assess the ability of U S WEST systems to provide the requisite functionality to CLECs. These functions include:

- Pre-ordering
- Ordering

[13] MTP, at 14.

- Provisioning (including installation)
- Maintenance & Repair (M&R)
- Billing
- Special functions, such as 911 and DA

The first principal objective of the FT is to verify the ability or the CLEC participants or the Pseudo-CLEC to submit Local Service Requests (LSRs) to the U S WEST OSS and have U S WEST successfully install the requested service or facilities. This includes the ability to track the progress of the LSRs through those systems, install the service or facility and to observe final order completion, verify the establishment of billing records, and verify the accuracy of those records against known usage.

The second principal objective of the FT is to validate the ability of a CLEC participant to access M&R systems. Relevant aspects of this access include the ability to:

- Determine whether these systems will generate a timely and correct trouble report
- Determine whether U S WEST will notify the CLEC of successful restoration of service after the service fault was identified and corrected.
- Determine if a participant CLEC can obtain an MLT test for a reported trouble

The FT is also intended to address certain special subjects, including the 911/E911 and Directory Assistance databases.

4.2.1 Pre-Order/Order/Provisioning Interfaces

Pre-ordering/ordering is the process that allows CLECs the ability to query U S WEST's databases to verify or obtain certain information necessary to issue a valid LSR. Provisioning consists of the processes by which the CLEC LSR is submitted to U S WEST for processing and the processes that U S WEST uses to install the service or facility ordered.

The pre-order, order, and provisioning functionality test will involve the following interfaces:

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[13] MTP, at 14.

EDI: Utilizing a third-party-developed test transaction generator to test the EDI pre-order/order interface; and

IMA GUI: Using a combination of third-party-developed test transaction generator data and CLEC-supplied data for the IMA GUI pre-order/order test.

4.3.2 Provisioning

Functionality included in the provisioning process of the Functionality Tests include the following:

- Receipt and Acknowledgement of LSRs
- Reject Processing
- Manual or Mechanized Service Order Creation
- Receipt of the FOC (Firm Order Commitment)
- Processing through the SOPs (Service Order Processors)
- Completion of the LSRs
- Receipt of the notification for Service Order Completion (SOC)
- 911 and DA database updates
- Installation of the ordered service or facility

The Functionality Test will also cover the ability of the U S WEST OSS to receive the following order activities as *inbound* transactions:

- New Account Establishment
- Conversion (retail to resale or UNE-C)
- Change
- Suspend/Restore
- Disconnect
- Supplemental Orders

- Cancellation Orders

The Functionality Test will test the ability of U S WEST's OSS to send the following *outbound* transactions:

- Order Rejection/Error Notification
- Order Acknowledgement
- Firm Order Confirmation
- Service Order Completion Report
- Update 911 and DA databases

VI. CLEC Input into the Final Master Test Plan Should be Permitted and Encouraged.

Once the Third-Party Consultant has been selected, the participation in the development of the final Master Test Plan appears to be limited to the ACC, DCI and the Third-Party Consultant.[14] In the spirit of a collaborative process, AT&T recommends that the roles of the participating CLECs and U S WEST be modified to permit input into the process that develops the final Master Test Plan. Specifically, AT&T proposes the following changes to Sections 9.4 and 9.5:

9.4 Participating CLECs

Participating CLECs will have the following responsibilities:

- Provide input on the final Master Test Plan.
- Provide detailed test specifications.
- Provide test execution plans.
- Provide for test execution.

- Provide test support and SMEs as necessary to the Third-Party Consultant.

9.6 U S WEST

U S WEST is a direct participant of the test with the following roles and responsibilities:

- Provide input on the final Master Test Plan.
- Provide the OSS environment to be used for the test.
- Provide subject matter expertise in a collaborative development effort with the Pseudo-CLEC, with the CLECs, with the Third-Party Consultant and with the ACC.
- Provide technical specifications and resources to be used by the Pseudo-CLEC for establishment as a pseudo-CLEC and for customization of the transaction generation software.
- Provide personnel to develop and execute cases according to established methods and procedures on the retail side of the Retail Comparison Test.
- Provide support of the testing effort at the direction of the ACC. This support will include many organizations within U S WEST, and tasks such as the day-to-day management of the supporting team, root cause analysis, production data and systems SME support, etc.

VII. A Formal Process for the Development of the Final Master Test Plan Should Be Included in the Draft Master Test Plan.

AT&T recommends that a process for the development of the final Master Test Plan should be included in the Proposed Master Test Plan. From the current Proposed Master Test Plan, it is not completely clear what happens to the Master Test Plan after the workshops have been completed. What is clear is that DCI will "establish the draft and final Master Test Plan" and that the Third-Party Consultant will provide "input to the

[14] MTP, at. 45.

master test plan."[15] What is not clear, is how and when the final Master Test Plan will be developed. In fact, the Proposed Schedule and Timeline does not even identify any tasks associated with the development of the Master Test Plan.[16] Many of the critical parts of the Master Test Plan have been identified but left unaddressed, with final resolution deferred to the Third-Party Consultant for incorporation into the final Master Test Plan. The danger is the Third-Party Consultant or DCI may claim that receipt of CLEC or U S WEST input in the development of the final Master Test Plan is not permitted because it is "beyond the scope of work."

To ensure that a collaborative approach is used in the development of the final Master Test Plan, it should be made clear that the Third-Party Consultant and DCI should plan for CLEC and U S WEST input into the development of the final Master Test Plan. AT&T proposes the following process to ensure that the development of the final Master Test Plan is produced through a collaborative process.

- DCI develops the first draft of final Master Test Plan after input from the Third-Party Consultant, U S WEST, the CLECs and the ACC Staff.
- The Third-Party Consultant, U S WEST, the CLECs and the ACC staff provide written comments to DCI on the first draft of the final Master Test Plan.
- DCI leads a workshop with interested participants to discuss the comments received by the interested parties.
- DCI produces a final draft of the final Master Test Plan for approval by the ACC.
- The ACC approves the final Master Test Plan or identifies what changes should be made to the final Master Test Plan.

VIII. Additional Test Scenarios

[15] MTP, at 45.
[16] MTP, at 48.

A. Customers with Out of Service Conditions on Day of Installation

It is AT&T's belief that if a CLEC provides service to a customer through the use of resold U S WEST services or by using unbundled loops or number portability provided by U S WEST, and that customer has a service trouble on the day that U S WEST installs that service, the CLEC will be unable to create a trouble report in either IMA, or EB-TA. Lynn Notarianni of U S WEST stated in an OSS proceeding in Minnesota on October 6, 1999, that if a CLEC customer has a trouble on the same day of installation, that at least for some portion of the day, the CLEC would be unable to create a trouble report in U S WEST's interfaces. Ms. Notarianni explained that until U S WEST completed the service installation in its OSS, its maintenance and repair OSS would not recognize that the customer was a CLEC customer. Ms. Notarianni did not know what portion of the first day the CLEC would be unable to create an electronic trouble ticket.

It is reasonable to assume that if there is a trouble with a service installed by U S WEST, the customer or the CLEC will become aware of that trouble on the day the service is installed. Day of installation service problems will be particularly glaring if the customer loses dial tone. It is also reasonable to assume that troubles with service installations will occur on the day the service is installed.

In order to evaluate the OSS access that U S WEST provides to CLECs for troubles on the day of service installation, AT&T recommends that additional test scenarios be added to the MTP to cover those situations. AT&T recommends that test scenarios be added to both the Functionality Test and the Retail Parity Evaluation. The test scenario additions to the Functionality Test would evaluate the ease or difficulty a CLEC has in reporting U S WEST caused troubles on the day that U S WEST installed the service. The test scenarios in the Retail Parity Evaluation would compare the

experience a CLEC has with a trouble on the day of installation with the experience a retail U S WEST customer has on the day of installation. Specifically, AT&T recommends adding the following test scenarios:

Functionality Test:

- POTS Residential Resale Customer is Out of Service Immediately After U S WEST Installation.
- UNE-L Customer is Out of Service due to U S WEST Provided Unbundled Loop Immediately After U S WEST Installation of Loop.
- UNE-L Customer Cannot Receive Phone Calls Immediately After U S WEST Completes UNE-L Installation.
- UNE-P Customer is Out of Service Immediately After U S WEST Installation.

Retail Parity Evaluation:

- POTS Business Customer Experiences a U S WEST caused Out of Service Condition Immediately After U S WEST Installation.
- POTS Residential Customer Experiences a U S WEST caused Out of Service Condition Immediately After U S WEST Installation.

B. Order Status on Day of Installation

Customers will frequently call their provider to check on the status of their order on the day the service is scheduled to be installed. The call could be to confirm that the service was installed, to find out why a technician has not arrived at the customer's location or to complain that service was only partially installed. AT&T believes that CLECs have inferior access to order status information. That is, a CLEC would be less informed on the status of a customer's order than would a similarly situated U S WEST retail customer.

AT&T raised this concern in the October 6, 1999 Minnesota OSS proceeding. Andrew Crain of U S WEST suggested that if AT&T was concerned with this issue that it

could be properly handled during the Retail Parity Evaluation test in the Arizona test. AT&T agrees with Mr. Crain that test scenarios involving order status information should be added to the Retail Parity Evaluation of the MTP. Additionally, AT&T believes that order status inquiries should be included in the Functionality Test.

AT&T recommend that the following test scenarios be added to the Functionality Test and the Retail Parity Evaluation:

Functionality Test:

- CLEC Checks on Status of POTS Residential Order Through IMA-GUI on the Day the Service is Scheduled to be installed.
- CLEC Checks on Status of POTS Residential Order Through EDI on the Day the Service is Scheduled to be installed.
- CLEC Checks on Status of POTS Residential Order Through IMA-GUI on the Day After the Service is installed.
- CLEC Checks on Status of POTS Residential Order Through EDI on the Day After the Service is installed.
- CLEC Checks on Status of UNE-L With LNP Order Through IMA-GUI on the Day the Service is Scheduled to be installed.
- CLEC Checks on Status of UNE-L Order With LNP Through EDI on the Day the Service is Scheduled to be installed.
- CLEC Checks on Status of UNE-L With LNP Order Through IMA-GUI on the Day After the Service is installed.
- CLEC Checks on Status of UNE-L With LNP Order Through EDI on the Day After the Service is installed.
- CLEC Checks on Status of UNE-P Order Through IMA-GUI on the Day the Service is Scheduled to be installed.
- CLEC Checks on Status of UNE-P Order LNP Through EDI on the Day the Service is Scheduled to be installed.
- CLEC Checks on Status of UNE-P Order Through IMA-GUI on the Day After the Service is installed.

- CLEC Checks on Status of UNE-P Order Through EDI on the Day After the Service is installed.

Retail Parity Evaluation:

- POTS Residential Customer Calls to Inquire About Order Status on the Day the Service is Scheduled to be Installed.
- POTS Residential Customer Calls to Inquire About the Order Status on the Day After the Service Has Been Installed.
- POTS Business Customer Calls to Inquire About Order Status on the Day the Service is Scheduled to be Installed.
- POTS Business Customer Calls to Inquire About the Order Status on the Day After the Service Has Been Installed.

AT&T recommends that the POTS scenarios for the CLEC customers include POTS service provided through resale, UNE-P and UNE-L with LNP.

C. Orders Placed Outside of the Period from 6:00 A.M. – 8:00 P.M. Mountain Time

During the October 1, 1999 Workshop, Dean Buhler of U S WEST claimed that while the Interconnect Service Centers ("ISC") would only be staffed during the period from 6:00 A.M. to 8:00 P.M. Mountain time, a CLEC could still place electronic orders through either IMA or EDI roughly 23 hours a day. That has not been AT&T's experience. AT&T's experience has been that IMA is inaccessible after 8:00 P.M. Mountain time. Instead of placing electronic orders through IMA after 8:00, as Mr. Buhler claimed is possible, AT&T is forced to fax orders after that time.

AT&T recommends that test scenarios be added to both the Functionality Test and the Retail Parity Evaluation to evaluate a CLEC's ability to place electronic orders outside of the U S WEST designated IMA availability period. The test scenarios in the Functionality Test would determine if CLECs have the capability to use the interfaces

outside of the U S WEST designated periods. The test scenarios in the Retail Parity Evaluation would compare the capabilities available to the CLECs to the capabilities available to U S WEST. Specifically, AT&T proposes the following test scenarios:

Functionality Test:

- IMA and EDI Pre-Order Queries Performed Outside of the 6:00 A.M. to 8:00 P.M. Period.
- POTS Business Resale Order Placed Through IMA and EDI Outside of the 6:00 A.M. to 8:00 P.M. Period.
- UNE-L with LNP Order Placed Through IMA and EDI Outside of the 6:00 A.M. to 8:00 P.M. Period.
- UNE-P Order Placed Through IMA and EDI Outside of the 6:00 A.M. to 8:00 P.M. Period.
- Trouble Tickets Created in IMA and EB-TA Outside of the 6:00 A.M. to 8:00 P.M. Period.

Retail Parity Evaluation Test:

- Pre-Order Queries Performed Outside of the 6:00 A.M. to 8:00 P.M. Period.
- POTS Business Order Placed Outside of the 6:00 A.M. to 8:00 P.M. Period.
- Trouble Tickets Created Outside of the 6:00 A.M. to 8:00 P.M. Period.

For the Retail Parity Evaluation, the CLEC POTS orders would be for POTS provided through resale, UNE-P and UNE-L with LNP.

D. High Volume Facility Check

During a September 15, 1999, demonstration by U S WEST in a Minnesota OSS proceeding, it was accidentally discovered by the CLEC representatives that, on a monthly basis, U S WEST performs DSL loop qualification on every one of its working lines in its fourteen state region. The results of the loop qualifications are automatically

noted in the individual customer service records of every U S WEST customer with a working line, and U S WEST retail representatives have access to this information for every customer. In addition, AT&T learned during a recent cable meeting that this same information is also provided to third parties who provide marketing services to U S WEST. During the October 6, 1999, workshop in the Minnesota OSS proceeding, Ms. Notarianni explained that to perform the fourteen state DSL loop qualification, U S WEST uses a software program to perform a facility check on a loop-by-loop basis for all of its customers.

CLECs in the Arizona OSS workshops have expressed great interest in being able to perform similar, automated, facility checks. Ms. Notarianni explained that with the 4.2 release of IMA, CLECs with EDI interfaces could develop programs to use the facility check capabilities in IMA to do the same automated, facility checks. Nevertheless, according to U S WEST, this will only be able to be performed by CLECs on a loop-by-loop basis, despite the CLECs' interest in being able to review U S WEST engineering and plant records to determine if the CLEC's technology is compatible with U S WEST's network on a central office-by-central office basis. U S WEST has stated that CLECs will not be allowed access to engineering and plant records, even if those records are available to U S WEST itself. Allowing CLECs to review U S WEST engineering and plant records would be the most efficient means of determining if a CLEC's technology is compatible with U S WEST's network. Absent access to U S WEST's engineering and plant records, automated, high volume facility checks using the pre-order facility check function would be a benefit to CLECs. CLECs could use that capability to determine if the CLECs' preferred technology could work in U S WEST's plant, for example, by

determining which U S WEST areas had pair gain equipment in the loop plant. Pair gain equipment in U S WEST's loop plant would effectively result in a held order for every DSL, digital and voice-grade loop ordered by a CLEC until U S WEST could locate spare copper loops. Although the CLECs were pleased to hear of the capability to do loop-by-loop, automated facility checking in release 4.2 of IMA, it remains unclear how this function will work and whether U S WEST itself has access to loop makeup data on a greater than individual loop basis. AT&T suspects that a sort of the LFACS database is the means by which U S WEST does the large scale loop qualifications for itself. Instead of access to the LFACS database, CLECs must essentially attempt to reproduce the LFACS database through potentially hundreds of thousands of loop qualifications using the facility check function. After the CLECs have completed what is probably a poor reproduction of the LFACS database, CLECs can do the same sorting function.

Given the apparent capability of IMA release 4.2 to perform automated facility checks and Ms. Notarianni's assurances that it could be done, as well as the uncertainty regarding what U S WEST provides to itself, AT&T recommends that test scenarios be added to the Functionality Test and the Retail Parity Evaluation Test. AT&T also recommends that the pseudo-CLEC include in the development of the EDI interface the development of a program to perform high volume, automated facility checking. AT&T specifically recommends the following test scenarios be added to the Functionality Test and the Retail Parity Evaluation Test:

Functionality Test:

- Automated Pre-Order Facility Check Performed Using EDI interface on Every U S WEST Working Line in the State of Arizona to Determine the Underlying Loop Makeup Information (*i.e.* loop length,

presence of load coils or bridge taps, and existence of pair gain technology) and Note That Information in an Electronic File.

Retail Parity Evaluation Test:

- Automated Pre-Order Facility Check Performed on Every U S WEST Working Line in the State of Arizona to Determine the Underlying Loop Makeup Information (*i.e.* loop length, presence of load coils or bridge taps, and existence of pair gain technology) and Note That Information in an Electronic File.

E. Ordering of Unbundled Dedicated Interoffice Transport

Certain CLECs have indicated that, but for the difficulties inherent in U S WEST's ordering processes, they would be ordering unbundled dedicated interoffice transport ("UDIT") from U S WEST between their various collocations in U S WEST central offices, and between their collocations and switch locations. As a result of those difficulties, some CLECs have chosen to purchase more expensive special access circuits rather than UDIT.

To evaluate the capability of CLECs to order UDIT, AT&T recommends that test scenarios for UDIT be added to the Functionality Test. Specifically, AT&T recommends that the following test scenarios be added to the Functionality Test:

- CLEC orders DS1 UDIT between two CLEC physical collocation areas of two U S WEST central offices.
- CLEC orders DS3 UDIT between two CLEC physical collocation areas of two U S WEST central offices.
- CLEC orders DS1 UDIT between a CLEC physical collocation in a U S WEST central office and a CLEC switch.
- CLEC orders DS3 UDIT between a CLEC physical collocation in a U S WEST central office and a CLEC switch.
- CLEC orders DS1 UDIT between a CLEC virtual collocation in a U S WEST central office and a CLEC switch.

- CLEC orders DS3 UDIT between a CLEC virtual collocation in a U S WEST central office and a CLEC switch.

F. Orders For Facilities or Services With a "Working Left In" Condition.

Often a customer will sell a house or vacate an apartment and neglect to tell U S WEST to disconnect the telephone service. When the new owner of the house or the new tenant in the apartment attempts to establish new service, the U S WEST records will show that there is still a working line at that address. This is called a "working left in" condition. When this event occurs, U S WEST must first verify that the previous owner or tenant wanted to disconnect the service or has vacated the premises.

Based upon a September 15, 1999, demonstration that U S WEST provided of its retail OSS in Minnesota, it is AT&T's belief that CLECs have inferior access to records and pre-order information for "working left in" conditions compared to U S WEST's retail operations. When there is a "working left in" condition involved with a CLEC order, the order will generally be held. To evaluate the OSS access that U S WEST provides for orders involving "working left in" conditions, AT&T recommends that the following test scenarios for "working left in" conditions be added to the Functionality Test and the Retail Parity Evaluation:

Functionality Test:

- CLEC Orders POTS Residence Resale Service Where There Are "Working Left In" Facilities.
- CLEC Orders POTS Business Resale Service Where There Are "Working Left In" Facilities.
- CLEC Orders UNE-P Where There Are "Working Left In" Facilities.
- CLEC Orders UNE-L Service Where There Are "Working Left In" Facilities.

Retail Parity Evaluation:

- New Connect Ordered for Small Business POTS (less than 4 lines) For Location With "Working Left In" Facilities.
- New Connect Ordered for Residential POTS For Location With "Working Left In" Facilities.

The CLEC orders would be for POTS customers served through resale and through unbundled loops.

G. Supplementing An Order Where a Dispatch Appointment Has Already Been Made.

There will be situations where a CLEC orders service from U S WEST that requires a dispatch of a U S WEST technician to be made. The CLEC could request an appointment through the appointment scheduler function of IMA. Often, it will be necessary to supplement the order and change the date that the technician will be dispatched. When this occurs, IMA does not permit the CLEC to supplement the existing order. Instead, the CLEC must cancel the existing order and create an entirely new order. IMA does not permit CLECs to change appointment due dates on existing orders.

AT&T believes that U S WEST does not require its own retail representatives to cancel one order and start a second new order when there is a need to push out a scheduled dispatch date. To evaluate the relative ability of CLECs and U S WEST retail representatives to reschedule an order with a dispatch, AT&T recommends that the following test scenarios be added to the Functionality Test and the Retail Parity Evaluation:

Functionality Test:

- CLEC Orders POTS Resale Service For Business Customer That Requires the Dispatch of a Technician and Then Reschedules the Order.

- CLEC Orders POTS Resale Service For Residential Customer That Requires the Dispatch of a Technician and Then Reschedules the Order.

- CLEC Orders Unbundled Loop That Requires the Dispatch of a Technician and Then Reschedules the Order.

Retail Parity Evaluation:

- A POTS Small Business (less than 4 lines) Order That Includes a Scheduled Appointment for the Dispatch of a U S WEST Installation Technician Is Supplemented To Obtain a Later Appointment Date.

- A POTS Residence Order That Includes a Scheduled Appointment for the Dispatch of a U S WEST Installation Technician Is Supplemented To Obtain a Later Appointment Date.

The CLEC portion of the evaluation would be for orders involving resold U S WEST services and unbundled loops.

H. Out of Hours Installation Support

Many customers are reluctant to change from U S WEST to a CLEC if the change of providers is done during normal business hours. Many business customers would prefer to have local exchange carrier changes done after business hours so that if there is a problem with the change, the impact on the customer's business is minimized. These issues are particularly important for carrier changes that involve the conversion of a customer's loop or the porting of a customer's telephone number. For loop conversion, the customer is certain to be out of service for some period of time. For number portability, a problem with the number port could result in the customer being unable to receive telephone calls.

AT&T's experience with U S WEST is that U S WEST provides inadequate support for after normal business hour installations or for problems associated with after

normal business hour installations. In order to provide CLECs with a meaningful opportunity to compete, U S WEST must provide adequate support for after normal business hours installations. Otherwise, many customers will be reluctant to change to a CLEC.

In order to evaluate the support that U S WEST provides for installations after business hours, AT&T recommends that the following additional test scenarios be added to the Functionality Test and Retail Parity Evaluation:

Functionality Test:

- CLEC Orders Three Unbundled Loops with LNP for cutover at 10:00 P.M.
- CLEC Experiences Out of Service Condition with Unbundled Loop That Was Installed By U S WEST Outside of Normal Business Hours Shortly After Installation.

Retail Parity Evaluation:

- Large Business Customer Requests Out of Hours Cutover of Service.
- Small Business Customer Requests Out of Hours Cutover of Service.

I. Retail, Automatic Completion Notices Should Be Included In the Retail Parity Evaluation Test In the MTP

U S WEST now automatically calls its retail customers and informs them that the services or features that they have ordered have been installed. Each individual customer is apparently called on the day of installation. In contrast, CLECs receive batch order completion information. The assumptions in the Retail Parity Evaluation section of the MTP state that, "[t]he Retail Parity Evaluation will not require end-to-end processing to billing; orders generated for the Retail Parity Evaluation can be cancelled in the Service

Order Processing (SOP) systems once the test case is complete."[17] This may prohibit the comparison of the order completion notices that CLECs receive to the order completion notices that U S WEST retail customers receive. To ensure that a fair comparison of order completion notices are made, the Third-Party Consultant should examine the respective processes in which order completion notices are provided.

IX. Additional Performance Measurement Issues

A. U S WEST Does Not Appear To Record Troubles For Service Problems Uncovered On the Same Day As Installation.

As previously discussed, there is a period during the day of installation when IMA does not permit CLECs to initiate a trouble report through IMA or EB-TA. While a CLEC is prohibited by IMA from creating a trouble report in either IMA or EB-TA, CLECs will call U S WEST to report the trouble and U S WEST will take some steps to try and correct the trouble. While many troubles will be reported and cleared on the same day as installation, U S WEST's business rules and data collection processes have no means of accounting for days when IMA or EB-TA will not permit a CLEC to create a trouble report. A U S WEST representative, Tom Freeberg, stated in the October 6, 1999, OSS workshop in Minnesota that U S WEST has no means of accounting for these types of troubles and that it does not even know how many troubles are reported manually because a CLEC cannot create a trouble report in IMA or EB-TA.

U S WEST should describe in its October 15, 1999, revised description of its performance measures how it will account for troubles called into U S WEST because the CLEC cannot use IMA or EB-TA to create a trouble report. This issue would be associated with measures: OP-5 Installation Trouble Reports, MR-3 Out of Service

[17] MTP, at 31.

Cleared Within 24 Hours – Non-Designed Repair Process, MR-4 All Troubles Cleared Within 48 Hours – Non-Designed Repair Process, MR-5 All Troubles Cleared Within 4 Hours – Designed Repair Process, MR-6 Mean Time to Restore, MR-7 Repair Repeat Report Rate, and MR-8 Trouble Rate. If U S WEST's answer on October 15 is that it has no means of collecting that data, there needs to be a discussion during the workshops held on October 21 – 22 to determine how U S WEST can best begin to collect and report this critical data.

U S WEST should also describe in its October 15, 1999, revised description of its performance measures if it provides its retail representatives with the ability to create trouble reports for its customers that experience troubles on the day of installation. If U S WEST does provide itself with this capability, there is a danger that the CLEC maintenance and repair data will under-report the actual number of troubles when compared with similarly situated retail operations.

B. U S WEST Should Report Provisioning Results For Win-backs of CLEC Customers That Were Served By Unbundled Loops.

U S WEST has steadfastly argued that there is no retail equivalent of an unbundled loop. U S WEST has installed unbundled loops for CLECs. Not all of those customers have remained CLEC customers. Some have switched back to U S WEST as their local exchange carrier. In these situations, U S WEST will be providing an unbundled loop to itself. The FCC recognized the utility of comparing the provisioning of unbundled loops to CLECs with the provisioning of win-back unbundled loops to itself when it stated, "[w]in-backs of customers serviced by unbundled network elements might provide sufficient data with which to develop an appropriate measurement of equivalent

access when there has been enough churn in the marketplace."[18] There likely has been sufficient churn in the Arizona marketplace such that there has been a statistically significant number of unbundled loops that U S WEST has provided to itself.

In its October 15, 1999, revisions to the performance measurement descriptions, U S WEST should describe how it will collect and report on unbundled loop win-back data when it provides unbundled loops to itself.

C. Day of Installation Troubles Should Disqualify An Order From Being Considered A Met Commitment.

There have been situations where an unbundled loop cutover has gone bad in the morning, the customer is out of service all day and U S WEST repairs the problem late in the afternoon. Despite the fact that the customer was out of service nearly all day, U S WEST would consider this to be a met commitment since the order was completed on the day that it was installed.

The business rules in the Master Test plan should be modified so that a customer trouble on the same day as service installation should not be considered to be a met commitment. A commitment should be understood to include considerations of whether the service or facility was working, not just that it was installed. AT&T recommends that language be added to the description in Measure OP-3 Installation Commitments Met that states, "any order that experiences a trouble on the day of installation shall be considered a commitment missed."

RESPECTFULLY SUBMITTED this 12th day of October, 1999.

AT&T COMMUNICATIONS OF
THE MOUNTAIN STATES, INC.

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[18] *Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Service in Michigan,* CC Docket No. 97-137, Memorandum Opinion and Order, FCC 97-298 (rel. Aug. 19, 1997), ¶ 141.

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CERTIFICATE OF SERVICE

I hereby certify that the original and 10 copies of AT&T and MCIW's Comments on Selection Criteria were filed this 12th day of October, 1999, with:

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FOR IMMEDIATE RELEASE
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FCC PROMOTES LOCAL TELECOMMUNICATIONS COMPETITION

Adopts Rules on Unbundling of Network Elements

Washington, D.C. -- The Federal Communications Commission (FCC) adopted rules today that specify the portions of the nation's local telephone networks that incumbent local telephone companies must make available to competitors seeking to provide competitive local telephone service. This FCC decision removes a major uncertainty surrounding the unbundling obligations of the Telecommunications Act of 1996 and is expected to accelerate the development of competitive choices in local services for consumers. Unbundling allows competitors to lease portions of the incumbent's network to provide telecommunications services.

Today's order responds to a U.S. Supreme Court decision which generally affirmed the FCC's implementation of the pro-competition goals of the Telecommunications Act, but which required the Commission to re-evaluate the standard it uses to determine which network elements the incumbent local phone companies must unbundle.

Today's order adopts a standard for determining whether incumbents must unbundle a network element. Applying the revised standard, the Commission reaffirmed that incumbents must provide unbundled access to six of the original seven network elements that it required to be unbundled in the original order in 1996:

(1) loops, including loops used to provide high-capacity and advanced telecommunications services;
(2) network interface devices;
(3) local circuit switching (except for larger customers in major urban markets);
(4) dedicated and shared transport;
(5) signaling and call-related databases; and,
(6) operations support systems.

The Commission determined that it is generally no longer necessary for incumbent LECs to provide competitive carriers with the seventh element of the original list -- access to their operator and directory assistance services. The Commission concluded that the market has developed since 1996 to where competitors can and do self-provision these services, or acquire them from alternative sources.

The Commission also concluded, in light of competitive deployment of switches in the major urban areas, that, subject to certain conditions, incumbent LECs need not provide access to unbundled local circuit switching for business customers with four or more lines that are located in the densest parts of the top 50 Metropolitan Statistical Areas (MSAs).

The Commission also addressed the unbundling obligations for network elements that were not on the original list in 1996. The Commission required incumbents to provide unbundled access to subloops, or portions of loops, and dark fiber optic loops and transport. In addition, the Commission declined, except in limited circumstances, to require incumbent LECs to unbundle the facilities used to provide high-speed Internet access and other data services, specifically, packet switches and digital subscriber line access multiplexers (DSLAMs). Given the nascent nature of this market and the desire of the Commission to do nothing to discourage the rapid deployment of advanced services, the Commission declined to impose an obligation on incumbents to provide unbundled access to packet switching or DSLAMs at this time. The Commission further noted that competing carriers are aggressively deploying such equipment in order to serve this emerging market sector.

Finally, the Commission also concluded that the record in this proceeding does not address sufficiently issues surrounding the ability of carriers to use certain unbundled network elements as a substitute for the incumbent LECs' special access services. The Commission therefore adopted a Further Notice of Proposed Rule Making (NPRM) seeking comment on these issues.

Action by the Commission, September 15, 1999, by Third Report and Order and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 96-98 (FCC 99-238). Chairman Kennard, Commissioners Ness and Tristani, with Commissioner Furchtgott-Roth concurring in part and dissenting in part and Commissioner Powell dissenting in part. Commissioners Ness, Furchtgott-Roth and Powell issuing statements.

-FCC-

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Report No. CC 99-41

SUMMARY

Network Elements that Must be Unbundled

- Loops. Incumbent local exchange carriers (LECs) must offer unbundled access to loops, including high-capacity lines, xDSL-capable loops, dark fiber, and inside wire owned by the incumbent LEC. The unbundling of the high frequency portion of the loop is being considered in another proceeding.

- Subloops. Incumbent LECs must offer unbundled access to subloops, or portions of the loop, at any accessible point. Such points include, for example, a pole or pedestal, the network interface device, the minimum point of entry to the customer premises, and the feeder distribution interface located in, for example, a utility room, a remote terminal, or a controlled environment vault. If parties are unable to reach an agreement pursuant to voluntary negotiations about the technical feasibility of unbundling the loop at a specific point, the incumbent LEC will have the burden to demonstrate to the state that it is not technically feasible to unbundle the subloop at these points.

- Network Interface Device (NID). Incumbent LECs must offer unbundled access to NIDs throughout their service territory. The NID is a device used to connect loop facilities to inside wiring.

- Circuit Switching. Incumbent LECs must offer unbundled access to local circuit switching, except for switching used to serve business users with four or more lines in access density zone 1 (the densest areas) in the top 50 Metropolitan Statistical Areas (MSAs), provided that the incumbent LEC provides non-discriminatory, cost-based access to the enhanced extended link. (An enhanced extended link (EEL) consists of a combination of an unbundled loop, multiplexing/concentrating equipment, and dedicated transport. The EEL allows new entrants to serve customers without having to collocate in every central office in the incumbent's territory.)

- Interoffice Transmission Facilities. Incumbent LECs must unbundle dedicated interoffice transmission facilities, or transport, including dark fiber. Incumbent LECs must also unbundle shared transport (or interoffice transmission facilities that are shared by more than one carrier, including the incumbent) where unbundled local circuit switching is provided.

- Signaling and Call-Related Databases. Incumbent LECs must unbundle signaling links and signaling transfer points (STPs) in conjunction with unbundled switching, and on a stand-alone basis. Incumbent LECs must also offer unbundled access to call-related databases, including, but not limited to, the Line Information database (LIDB), Toll Free Calling database, Number Portability database, Calling Name (CNAM) database, Operator Services/Directory Assistance databases, Advanced Intelligent

Network (AIN) databases, and the AIN platform and architecture. The Commission found that incumbent LECs need not unbundle certain AIN software.

- Operations Support Systems (OSS). Incumbent LECs must unbundle OSS throughout their service territory. OSS consists of pre-ordering, ordering, provisioning, maintenance and repair, and billing functions supported by an incumbent LEC's databases and information. The OSS element includes access to all loop qualification information contained in any of the incumbent LEC's databases or other records needed for the provision of advanced services.

Network Elements that Need Not be Unbundled.

- Operator Services and Directory Assistance (OS/DA). Incumbent LECs are not required to unbundle their OS/DA services pursuant to section 251(c)(3), except in the limited circumstance where an incumbent LEC does not provide customized routing to a requesting carrier to allow it to route traffic to alternative OS/DA providers. Operator services are any automatic or live assistance to a consumer to arrange for billing or completion of a telephone call. Directory assistance is a service that allows subscribers to retrieve telephone numbers of other subscribers. Incumbent LECs, however, remain obligated under the non-discrimination requirements of section 251(b)(3) to comply with the reasonable request of a carrier that purchases the incumbents' OS/DA services to rebrand or unbrand those services, and to provide directory assistance listings and updates in daily electronic batch files.

- Packet Switching. Incumbent LECs are not required to unbundle packet switching, except in the limited circumstance in which a requesting carrier is unable to install its Digital Subscriber Line Access Multiplexer (DSLAM) at the incumbent LEC's remote terminal, and the incumbent LEC provides packet switching for its own use. Packet switching involves the routing of individual data message units based on address or other routing information and includes the necessary electronics (*e.g.*, DSLAMs).

Modification of the National List.

- The Order recognizes that rapid changes in technology, competition, and the economic conditions of the telecommunications market will require a reevaluation of the national unbundling rules periodically. In order to encourage a reasonable period of certainty in the market, the Commission expects to reexamine the national list of unbundled network elements in three years.

- The Order permits state commissions to require incumbent LECs to unbundle additional elements as long as the obligations are consistent with the requirements of section 251 and the national policy framework instituted in this Order. The Order further concludes that the goals of the Act will better be served if network elements are not removed from the unbundling obligations of the Act on a state-by-state basis, at this time.

Combinations of Network Elements.

- Pursuant to section 51.315(b) of the Commission's rules, incumbent LECs are required to provide access to combinations of loop, multiplexing/concentrating equipment and dedicated transport if they are currently combined.

- The Order does not address whether an incumbent LEC must combine network elements that are not already combined in the network, because that issue is pending before the Eighth Circuit Court of Appeals.

Further Notice: Use of Unbundled Network Elements to Provide Exchange Access Service.

- The Commission sought comment on the legal and policy bases for precluding requesting carriers from substituting dedicated transport for special access entrance facilities.